

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition;
18 U.S.C. § 922(o) – Possession of a Machinegun;
26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

Shawn Herman McGee

DISTRICT COURT NUMBER

CR 25 0024 JST

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ATF

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ISMAIL J. RAMSEY

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Alethea M. Sargent

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Alameda County

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

FILED
JAN 30 2025
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Federal State☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

PENALTY SHEET (CONTINUED)

Count 1: 18 U.S.C. § 922(g)(1)—Felon in Possession of Ammunition

- Maximum Sentence: 15 years' imprisonment (18 U.S.C. § 924(a)(8))
- Maximum Fine: \$250,000.00 (§ 3571(b))
- Maximum Length of Supervised Release: 3 years (§ 3583(b))
- Forfeiture
- Special Assessment of \$100 per felony count (§ 3013(a)(2)(A))

Count 2: 18 U.S.C. § 922(o)—Possession of Machinegun

- Maximum Sentence: 10 years' imprisonment (18 U.S.C. § 924(a)(2))
- Maximum Fine \$250,000 fine (18 U.S.C. § 3571(b)(3))
- Maximum Length of Supervised Release: 3 years (§ 3583(b))
- Forfeiture
- Special Assessment of \$100 per felony count (§ 3013(a)(2)(A))

Count 3: 26 U.S.C. § 5861(d)—Possession of an Unregistered Firearm

- Maximum Sentence: 10 years' imprisonment (26 U.S.C. § 5871)
- Maximum Fine: \$10,000 fine (26 U.S.C. § 5871)
- Maximum Length of Supervised Release: 3 years (§ 3583(b))
- Forfeiture
- Special Assessment of \$100 per felony count (§ 3013(a)(2)(A))

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED
JAN 30 2025
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

Shawn Herman McGee

JST

CR 25 0024

DEFENDANT(S).

JST

INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition;
18 U.S.C. § 922(o) – Possession of a Machinegun;
26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm;
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 30th day of

January 2025

Karen L. Hom
Kandis A. Westmore
Clerk
1/30/2025

Kandis A. Westmore

Bail, \$ Warrant No Bail

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

FILED

JAN 30 2025

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JST

OAKLAND DIVISION

CR 25 0024

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN HERMAN MCGEE,

Defendant.

CASE NO.

VIOLATIONS:

18 U.S.C. § 922(g)(1) – Felon in Possession of
Ammunition;

18 U.S.C. § 922(o) – Possession of a Machinegun;

26 U.S.C. § 5861(D) – Possession of an Unregistered
Firearm;

18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) –
Forfeiture Allegation

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

On or about August 31, 2024, in the Northern District of California, the defendant,

SHAWN HERMAN MCGEE,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, namely, 82 rounds of assorted 5.56x45mm and .223 caliber ammunition and 37 rounds of Remington .45 Auto caliber ammunition, and the ammunition was in and affecting interstate commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

INDICTMENT

1
2 COUNT TWO: (18 U.S.C. § 922(o) – Possession of a Machinegun)

3 On or about August 31, 2024, in the Northern District of California, the defendant,
4 SHAWN HERMAN MCGEE,
5 did knowingly possess a machinegun, that is, a privately made AR-15 type .223 caliber short barrel
6 machinegun, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).
7

8 COUNT THREE: (26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm)

9 On or about August 31, 2024, in the Northern District of California, the defendant,
10 SHAWN HERMAN MCGEE,
11 knowingly possessed a firearm, a privately made AR-15 type .223 caliber short barrel machinegun, not
12 registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26,
13 United States Code, Sections 5841, 5861(d), and 5871.
14

15 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

16 The allegations contained in Counts One through Three of this Indictment are re-alleged and
17 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code,
18 Section 924(d) and Title 28, United States Code, Section 2461(c).

19 Upon conviction of the offenses set forth in this Indictment, the defendant,
20 SHAWN HERMAN MCGEE,
21 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
22 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
23 offense, including, but not limited to, the following property:

- 24 a. Privately made AR-15 type .223 caliber short barrel machinegun bearing no serial
25 number recovered on August 31, 2024;
26 b. 82 rounds of assorted 5.56x45mm and .223 caliber ammunition recovered on August
27 31, 2024; and
28 c. 37 rounds Remington .45 Auto caliber ammunition recovered on August 31, 2024.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

DATED: January 30, 2025

A TRUE BILL.

/s/ Grand Jury Foreperson
FOREPERSON
Oakland

ISMAIL J. RAMSEY
United States Attorney

/s/ Alethea M. Sargent
ALETHEA M. SARGENT
Assistant United States Attorney